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courts of other states admit there is such a change in ownership, but interpret the contract to be in effect one for the sale of a "term" in the trees, so that at the end of the time the title to whatever trees are left reverts to the owner of the land.⁴ But if the parties had this idea in mind, they would surely have expressed it in much clearer terms. Both constructions considered are open to further objection on the ground that they favor a forfeiture. If, therefore, there remains any other reasonable interpretation of the contract, it should be preferred to either of these two.

Such an interpretation, it is submitted, is that offered by those courts which hold that the limitation in question applies only to the license of the vendee to enter upon the vendor's land, and to use it as a storing place for his trees before removal.⁵ The objection to this view has always been that it leaves the parties at the end of the time limited in an anomalous situation.⁶ The purchaser owns the trees, but has no legal right to go upon the seller's land to get them. But such a situation is not impossible of solution. One way out of the difficulty is for the vendee to enter and remove his trees. By doing so he becomes liable in trespass *quare clausum fregit*, and must pay for all damage caused to the vendor's land, not however for the value of the trees.⁷ If the vendor should resist any entry upon his land, it is believed a court of equity would step in to prevent the vendee's losing the enjoyment of his property, with a decree that the vendee be allowed a further reasonable time in which to remove. In the equitable proceeding leading to such a decree the vendor would of course recover damages for all loss suffered by him, and any part of the purchase money which was due and unpaid.

POLITICAL STATUS OF PORTO RICANS. — The early treaties by which land was ceded to the United States contained express stipulations that inhabitants not electing to retain their former allegiance were constituted American citizens. The treaty of Paris contained no such provision, and on this fact is based the *dictum* of one of the Insular Cases that until their status is changed by legislation the Porto Ricans continue to be foreigners.¹ In the first case in which the question has been squarely raised, the United States Supreme Court, while refusing to decide whether or no the Porto Ricans are citizens, decided that they are not aliens. *Gonzales v. Williams*, 24 Sup. Ct. Rep. 177.

Since the political status of Porto Ricans has been altered neither by treaty provision nor by subsequent legislation, it is evident that the question whether they have ceased to be aliens is answered by determining whether these changes in status were involved in the transfer of sovereignty from Spain to the United States.

Alliance distinguishes the status of the subject from that of the alien.² Certain incidents of the subject's situation do not belong to the latter: (1) The subject owes allegiance to his government even after he has acquired

⁴ *Morgan v. Perkins*, 94 Ga. 353; *Macomber v. Detroit, etc., R. R. Co.*, *supra*.

⁵ *Halstead v. Jessup*, 150 Ind. 85; *Hoit v. Stratton Mills*, 54 N. H. 109; *Irons v. Webb*, 41 N. J. Law 203. Cf. *Davis v. Emery*, 61 Me. 140.

⁶ *Mitchell, J.*, in *King v. Merriman*, 38 Minn. 47, 52.

⁷ *Irons v. Webb*, *supra*.

¹ *Goetze v. United States*, 103 Fed. Rep. 72, 77.

² See *Calvin's Case*, 7 Rep. 1.

a foreign domicile.³ (2) Resulting from this allegiance the state owes him a duty of protection even while abroad. (3) To a certain extent the state is responsible to foreign nations for his acts.⁴ The allegiance of the Porto Ricans was thus clearly one of the most important incidents of Spain's sovereignty in the island. Spain might conceivably have retained it by an express reservation, but in the absence of express reservation, this incident of sovereignty passes in the general transfer. The case becomes all the clearer if, as is true of a grant between private persons, a treaty is to be construed with reference to the nature of its subject matter. It is inconceivable that Spain would wish to retain the obligations, or that the United States would permit her to retain the rights resulting from allegiance, and it is somewhat doubtful whether other nations would have recognized such an anomalous situation even if it had been created.

It seems clear then that the Porto Ricans are subjects. Whether they are citizens is a further question. The constitution confers certain rights only on citizens;⁵ for example, the right not to be deprived of the ballot on account of race, color, or previous condition of servitude, and if the word "people" as used in the constitution is a term including citizens only, as appears probable from its use in the preamble and in the tenth amendment, the rights of assembly, petition, to bear arms, and immunity from search except by properly issued warrant, are also rights which belong only to citizens. It is possible for a state to have complete sovereignty over peoples who have no such privileges, and it would follow that no such privileges were conferred by the bare transfer of sovereignty from Spain to the United States. Whether the right of citizenship was conferred by the operation of the constitution within the island, is a question not yet finally settled. Judging from the trend of the law as indicated by the Insular Cases,⁶ it will probably be decided in the negative, and the holding of the New York Supreme Court that a resident Porto Rican is not a citizen, and consequently not entitled to vote, ultimately adopted.⁷

RIGHT TO FOLLOW TRUST MONEY CONVERTED BY A BANK.—When a bank mingles with its general assets money which it holds as trustee, and then becomes insolvent, the *cestui's* right to follow the trust *res* is important. The older authorities generally held that this right existed only so long as the specific thing, or some definite thing into which it had been converted, could be traced. When the trust *res* was money, and was indistinguishably mixed with other money, it was commonly said that the right to follow it was gone. In *Knatchbull v. Hallett*,¹ however, where a trustee had deposited trust money with money of his own in a bank, the English Court of Appeals held, first, that tracing the money into a definite fund was sufficient identification to allow the *cestui* to follow it, and, second, that in such a case, when the trustee had drawn repeatedly on the deposit, the presumption was that he had drawn out his own money, so that the residue included the trust *res*.

³ East, P. C. c. 2, § 1.

⁴ See Charge to Grand Jury, 5 McLean (U. S. C. C.) 306, 312.

⁵ Slaughter House Cases, 16 Wall. (U. S.) 36, 78.

⁶ Cf. *Hawaii v. Mankichi*, 23 Sup. Ct. Rep. 787.

⁷ *People v. Board of Assessors*, 67 N. Y. Supp. 236.

¹ 13 Ch. D. 696.